

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FULLTIME FANTASY SPORTS, LLC a  
Delaware limited liability company,

Plaintiff,

v.

STEVEN and JANE DOE RINDNER, and their  
marital community; MARK and JANE DOE  
STIEGLITZ, and their marital community;  
DOUG and JANE DOE SMITH, and their  
marital community; CRAIG and JANE DOE  
MALITZ, and their marital community; ROSS  
and JANE DOE LEVINSOHN, and their  
marital community; ROSS and JANE DOE  
LUKATSEVICH, and their marital community;  
JOE and JANE DOE ROBINSON; and their  
marital community; TAMMER and JANE DOE  
FAHMY, and their marital community; MAYO  
and JANE DOE STUNTZ, and their marital  
community; JAMES and JANE DOE  
HECKMAN, and their marital community;  
PAUL and JANE DOE MCNICHOL, and their  
marital community thereof; ANDREW and  
JANE DOE RUSSELL, and their marital  
community thereof; HOWARD and JANE  
DOE LIPSON, and their marital community  
thereof; PILOT GROUP, GP, LLC, a Delaware  
corporation; and JANE and JOHN DOES 1  
through 8,

Defendants.

NO. 2:17-cv-00920

**NOTICE OF REMOVAL**

**TO: THE UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF WASHINGTON**

PLEASE TAKE NOTICE that defendants Tammer Fahmy, Howard Lipson, Ross Lukatsevich, Craig Mallitz, Paul McNicol, Joe Robinson, Andrew Russell, and Mayo Stuntz (collectively “Removing Defendants”), by and through their undersigned counsel, hereby remove Case No. 17-2-01612-8 SEA, filed in the Superior Court of Washington, King County, to the United States District Court for the Western District of Washington, pursuant to 28 U.S.C. § 1331, 1367, 1441 and 1446. As grounds for removal, the Defendants state as follows:

1. On January 24, 2017, Plaintiff Fulltime Fantasy Sports, LLC (“Plaintiff”) filed a Summons and Complaint captioned *Fulltime Fantasy Sports, LLC v. Rindner et al.*, Case No. 17-2-01612-8 SEA, in the Superior Court of Washington, King County (the “State Court Action”).

2. On May 4, 2017, Plaintiff filed a Summons and First Amended Complaint in the State Court Action. Pursuant to Local Civil Rule 101(b) of the United States District Court for the Western District of Washington, copies of the Summons and First Amended Complaint are attached hereto as Appendix A. The allegations forming the basis for this Court’s original jurisdiction based on federal question grounds were first pled in the First Amended Complaint.

3. On May 18, 2017, the undersigned counsel was authorized to and did accept service of the Summons, First Amended Complaint, Order Setting Civil Case Schedule, and Case Information Cover Sheet and Area Designation on behalf of defendants Tammer Fahmy, Howard Lipson, Russ Lukatsevich, Craig Mallitz, Paul McNichol, and Joe Robinson.

4. In the State Court Action, Plaintiff has filed affidavits of service of the Summons, First Amended Complaint, Order Setting Civil Case Schedule, and Case Information Cover Sheet and Area Designation, indicating service on the following defendants:

- a. On May 15, 2017, Plaintiff served Andrew Russell in New York, NY.
- b. On May 15, 2017, Plaintiff served Jane Doe Russell in New York, NY.
- c. On May 23, 2017, Plaintiff served Mayo Stuntz in Mamaroneck, NY.

d. On May 23, 2017, Plaintiff served Jane Doe Stuntz in Mamaroneck, NY.

e. On May 24, 2017, Plaintiff served Doug Smith in Norcross, GA.

5. In accordance with 28 U.S.C. § 1446(b)(2)(A), defendants Jane Doe Russell, Doug Smith, and Jane Doe Stuntz and have been advised of and consent to this removal.

6. The undersigned counsel are informed and believe that other than the Removing Defendants and the defendants identified in Paragraph 5 above, no other named party has been properly joined and served.

7. None of the defendants have answered or otherwise pled in the State Court Action.

### **Grounds for Removal**

#### **There is Federal Question Jurisdiction Under 28 U.S.C. § 1331**

8. Plaintiff alleges that Plaintiff entered into an Asset Purchase Agreement (“APA”) in which Plaintiff was to receive shares of non-party Scout Media, Inc. (“Scout”) stock in exchange for certain assets of Plaintiff. *See* FAC, ¶ 16. Based on alleged representations made by defendants to Plaintiff about Scout, Plaintiff alleges that it was induced to enter into the APA. *Id.* at ¶¶ 17-19. Plaintiff alleges that as agreed to in the APA, it delivered certain assets to Scout but Plaintiff did not receive the Scout shares. *Id.* at ¶¶ 20 & 22. Plaintiff pleads that Scout and Plaintiff subsequently rescinded the APA but Scout did not return all of Plaintiff’s assets paid in consideration for the Scout shares. *Id.* at ¶ 26.

9. Based on the aforementioned transaction and subsequent rescission, Plaintiff pleads the following causes of action in its First Amended Complaint: Violation of the Washington State Securities Act (*see* FAC First Cause of Action), Violation of Section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.) and Rule 10b-5 (*see id.* Second Cause of Action), Violation of the Washington Consumer Protection Act (*see id.* Third Cause of Action), Negligent Misrepresentation (*see id.* Fourth Cause of Action), Violation of the Uniform Fraudulent Transfer Act (*see id.* Fifth Cause of Action), and Conversion (*see id.* Sixth Cause of Action).





**CERTIFICATE OF SERVICE**

I hereby certify that on June 14, 2017, the documents identified below:

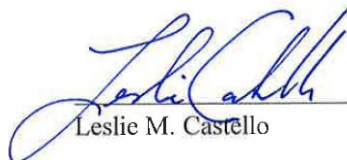
- **NOTICE OF REMOVAL,**
- **NOTICE TO SUPERIOR COURT OF FILING NOTICE OF REMOVAL,**
- **NOTICE TO PLAINTIFF OF REMOVAL, and**
- **ATTORNEY VERIFICATION OF STATE COURT RECORD**

were served via messenger on the following:

Gulliver A. Swenson, WSBA #35974  
Ryan, Swanson & Cleveland, PLLC  
1201 Third Avenue, Suite 3400  
Seattle, Washington 98101-3034  
Telephone: (206) 464-4224  
Facsimile: (206) 583-0359  
[swenson@ryanlaw.com](mailto:swenson@ryanlaw.com)

*Attorneys for Plaintiff*

DATED on June 14, 2017.



Leslie M. Castello